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Our Docket No. 20040351.DIB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re App : Carol W. Readhead et al. : April 12, 2007
S.N. : 10/008,385 : Art Unit 1632
Filed : November 12, 2001 : Examiner Joanne Hama
For : TRANSFECTION, STORAGE AND TRANSFER
OF MALE GERM CELLS FOR GENERATION
OF TRANSGENIC SPECIES & GENETIC THERAPIES

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AUGUST 13, 2007 TO FAX NO.: 571-273-8300 (37 CFR
1.8a)

Anna Lemke

LETTER

This letter is submitted in response to a Notification of Non-Compliant Appeal Brief. A copy of the Notification of Non-Compliant Appeal Brief is attached hereto.

This letter will confirm that the error involving a certain page 54, which was the subject of the Notification of Non-Compliant Appeal Brief, was actually a page that had nothing to do with the brief and was somehow inadvertently added to the brief from an unknown source. Accordingly, that page may be totally disregarded and the present brief considered without it.

The above was confirmed in a message received from Examiner Joanne Hama after further consideration of the matter at the United States Patent and Trademark Office.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,385	11/12/2001	Carol W. Readhead	20040351.DIB	3519
23595	7590	08/06/2007	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			ART UNIT PAPER NUMBER	

DATE MAILED: 08/06/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/008,385

Applicant(s)

READHEAD ET AL.

Examiner

Joanne Hama, Ph.D.

Art Unit

1632

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on April 16, 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

As indicated in the Notice of Non-Compliant Appeal Brief, March 26, 2007, the brief appears to be missing pages of the closing statement made by Applicant. Page 54 of the brief starts mid-sentence and thus, it appears that there is/are page(s) missing before page 54.

